

2005 DRAFTING REQUEST

Bill

Received: **12/29/2004**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Rhodes**

This file may be shown to any legislator: **NO**

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - crimes agnst kids**

Extra Copies: **mgd**

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Rhodes, BB0355 -

Topic:

Child abuse prevention and child mental health surcharge

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	chanaman 01/03/2005	jdyer 01/03/2005	pgreensl 01/04/2005	_____	lemery 01/04/2005		State
/P2	chanaman 01/10/2005	jdyer 01/10/2005	rschluet 01/10/2005	_____	lnorthro 01/10/2005		State
/P3	chanaman 01/23/2005	chanaman 01/23/2005 wjackson 01/23/2005	jfrantze 01/23/2005	_____ _____ _____	sbasford 01/24/2005		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P4	mdsida 01/26/2005	jdyer 01/26/2005	rschluet 01/26/2005	_____	sbasford 01/27/2005		State

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P4 1/26 jld
26 5

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/p3 wj 1/23

Jb 1/23 *J/ch*
<END> 1/23

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/P1	chanaman	1/13 jld	1/4 P8	1/4 P8			

FE Sent For:

<END>

2005-07 Budget Bill Statutory Language Drafting Request

- Topic: Felony and Misdemeanor surcharge for Child Welfare
- Tracking Code: *BB 0355*
- SBO team: Health & Insurance
- SBO analyst: Rhodes
 - Phone: 6-2288
 - Email: dennis.rhodes@doa.state.wi.us
- Agency acronym: DOA
- Agency number: ~~6-2288~~ *505*

Impose a child abuse prevention and child mental health surcharge on
individuals convicted of misdemeanors and felonies

Current Language

Modeled on the crime victim and witness assistance surcharge structures under 20.455(5)(g) and 20.455(5)(gc) for charges imposed under s.973.045.

Proposed Change

Create a new \$20 surcharge in s. 973 for child abuse prevention to be assessed on all persons convicted of misdemeanors and felonies. If necessary, the fee will be collected from inmates under the supervision of the Department of Corrections and failure to pay the surcharge will be treated prescribed under s. 973.07.

Effect of the Change

Increase PR revenue by approximately \$250,000 in FY06 and \$1,000,000 in FY07. Increase the appropriation level in CANPB under 20.433(1)(h) by \$57,300 PR FY06 and \$365,300 PR in FY07. Increase the appropriation level in DHFS under 20.435(6)(gb) by \$192,700 PR in FY06 and \$634,700 in FY07.

Rationale for the Change

The PR under 20.435(6)(gb) will be used to support programs that facilitate the collaboration of mental health and substance abuse services for children and their parents under s. 46.48. The PR under 20.433(1)(h) will support child abuse prevention activities outlined under s. 48.982 (4), (6) and (7).

*put after
crime
for
new*

Effective Date: Upon passage for crimes committed on or after the effective date of the bill.

Desired Effective Date: Upon Passage
Agency: DOA
Agency Contact: Dennis Rhodes
Phone: 266-2288

23.57

102.87(4)

Hanaman, Cathlene

From: Rhodes, Dennis
Sent: Wednesday, December 29, 2004 5:43 PM
To: Hanaman, Cathlene
Subject: RE:

Cathlene,

Thanks for looking at it. I imagine many more questions are to come.

Can we split it 70% to DHFS and 30% to CANPB?

We don't have a preference which account gets funds first. Do we need to have a preference?

Thanks,

Dennis

-----Original Message-----

From: Hanaman, Cathlene [mailto:Cathlene.Hanaman@legis.state.wi.us]
Sent: Wednesday, December 29, 2004 5:32 PM
To: Rhodes, Dennis
Subject:

I left a voicemail about BB0355, but I now realize I have another question. If a person can pay only some of the surcharge at a time, do you have a preference as to which account gets the first moneys?

Thanks,
Cathlene



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-1417/P1

CMH:.....

1/4

JLD

DOA:.....Rhodes, BB0355 - Child abuse prevention and child mental health surcharge

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

Don't gen

1

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND ~~FAMILY~~ SERVICES

CHILDREN

This bill creates a \$20 child abuse prevention and child mental health surcharge and requires a court to impose the surcharge on each misdemeanor offense or count and on each felony offense or count when it imposes a sentence or places a person on probation. Of the surcharge \$6 will be transferred to the child abuse and neglect prevention board for distribution as grants to organizations and \$10 will be transferred to DHFS for programs providing prevention, intervention, and treatment for alcohol and other drug abuse problems. If an inmate in a state prison or a person sentenced to a state prison has not paid the child abuse prevention and child mental health surcharge, DOC must assess and collect the amount owed from the inmate's wages or other moneys.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.433 (1) (h) of the statutes is amended to read:

20.433 (1) (h) *Grants to organizations.* All moneys received under s. 69.22 (1m), less the amounts appropriated under par. (g), and all moneys received from the child abuse prevention and child mental health surcharge authorized under s. 973.044, to be used for grants to organizations under s. 48.982 (4), (6), and (7).

History: 1983 a. 27; 1985 a. 29; 1985 a. 315 s. 22; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 16, 437, 444, 491; 1995 a. 27; 1997 a. 78; 1999 a. 9; 2001 a. 16.

SECTION 2. 20.435 (6) (gb) of the statutes is amended to read:

20.435 (6) (gb) *Alcohol and drug abuse initiatives.* All moneys received under s. 961.41 (5) (c), and all moneys received from the child abuse prevention and child mental health surcharge authorized under s. 973.044, to be expended on programs providing prevention, intervention, and treatment for alcohol and other drug abuse problems.

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105; 2003 a. 33, 139, 186, 318, 320, 326, 327.

SECTION 3. 46.07 of the statutes is amended to read:

46.07 Property of patients or residents. All money including wages and other property delivered to an officer or employee of any institution for the benefit of a patient or resident shall ~~forthwith~~ be delivered to the steward, who shall enter the ~~same money~~ upon the steward's books to the credit of the patient or resident. The property shall be used only under the direction and with the approval of the superintendent and for the crime victim and witness assistance surcharge under s. 973.045 (4), the delinquency victim and witness assistance surcharge under s. 938.34 (8d) (c), the child abuse prevention and child mental health surcharge under s. 973.044 (4), the deoxyribonucleic acid analysis surcharge under s. 973.046 or the benefit of the patient or resident. If the money remains uncalled for for one year after

1 the patient's or resident's death or departure from the institution, the
2 superintendent shall deposit the same money in the general fund. If any patient or
3 resident leaves property, other than money, uncalled for at an institution for one year,
4 the superintendent shall sell the property, and the proceeds shall be deposited in the
5 general fund. If any person satisfies the department, within 5 years after the deposit,
6 of his or her right to the deposit, the department shall direct the department of
7 administration to draw its warrant in favor of the claimant and it shall charge the
8 same to the appropriation made by s. 20.913 (3) (c).

History: 1979 c. 221 s. 2202 (20); 1983 a. 27; 1989 a. 31, 167; 1993 a. 16; 1997 a. 27.

9 **SECTION 4.** 301.32 (1) of the statutes is amended to read:

10 **301.32 (1) PROPERTY DELIVERED TO WARDEN OR SUPERINTENDENT; CREDIT AND DEBIT.**

11 All money and other property delivered to an employee of any state correctional
12 institution for the benefit of a prisoner or resident shall be delivered to the warden
13 or superintendent, who shall enter the property upon his or her accounts to the credit
14 of the prisoner or resident. The property may be used only under the direction and
15 with the approval of the superintendent or warden and for the crime victim and
16 witness assistance surcharge under s. 973.045 (4), the child abuse prevention and
17 child mental health surcharge under s. 973.044 (4),[✓] the delinquency victim and
18 witness assistance surcharge under s. 938.34 (8d) (c), the deoxyribonucleic acid
19 analysis surcharge under s. 973.046 or the benefit of the prisoner or resident. If the
20 money remains uncalled for for one year after the prisoner's or resident's death or
21 departure from the state correctional institution, the superintendent shall deposit
22 it in the general fund. If any prisoner or resident leaves property, other than money,
23 uncalled for at a state correctional institution for one year, the superintendent shall
24 sell the property and deposit the proceeds in the general fund, donate the property

1 to a public agency or private, nonprofit organization or destroy the property. If any
2 person satisfies the department, within 5 years after the deposit, of his or her right
3 to the deposit, the department shall direct the department of administration to draw
4 its warrant in favor of the claimant and it shall charge the same to the appropriation
5 made by s. 20.913 (3) (bm).

History: 1989 a. 31 ss. 980, 981, 2569; 1991 a. 189, 315; 1993 a. 16; 1995 a. 27, 417; 1997 a. 27, 283, 289; 2001 a. 103.

6 **SECTION 5.** 302.12 (2) of the statutes is amended to read:

7 302.12 (2) Money accruing under this section remains under the control of the
8 department, to be used for the crime victim and witness assistance surcharge under
9 s. 973.045 (4), the child abuse prevention and child mental health surcharge under
10 s. 973.044 (4), the deoxyribonucleic acid analysis surcharge under s. 973.046, and the
11 benefit of the inmate or the inmate's family or dependents, under rules promulgated
12 by the department as to time, manner and amount of disbursements.

History: 1975 c. 396; 1983 a. 27, 66, 528; 1985 a. 332; 1989 a. 31 s. 1631; Stats. 1989 s. 302.12; 1993 a. 16.

13 **SECTION 6.** 302.13 of the statutes is amended to read:

14 **302.13 Preservation of property an inmate brings to prison.** The
15 department shall preserve money and effects, except clothes, in the possession of an
16 inmate when admitted to the prison and, subject to the crime victim and witness
17 assistance surcharge under s. 973.045 (4), the child abuse prevention and child
18 mental health surcharge under s. 973.044 (4), and the deoxyribonucleic acid analysis
19 surcharge under s. 973.046, shall restore the money and effects to the inmate when
20 discharged.

History: 1973 c. 90; 1983 a. 27; 1985 a. 120; 1989 a. 31 s. 1632; Stats. 1989 s. 302.13; 1993 a. 16.

21 **SECTION 7.** 303.01 (8) (b) of the statutes is amended to read:

22 303.01 (8) (b) The department shall distribute earnings of an inmate or
23 resident, other than an inmate or resident employed under sub. (2) (em), for the crime
24 victim and witness assistance surcharge under s. 973.045 (4), the child abuse

1 prevention and child mental health surcharge under s. 973.044 (4), for the
2 delinquency victim and witness assistance surcharge under s. 938.34 (8d) (c), for the
3 deoxyribonucleic acid analysis surcharge under s. 973.046 (4) and for compliance
4 with s. 303.06 (2) and may distribute earnings for the support of the inmate's or
5 resident's dependents and for other obligations either acknowledged by the inmate
6 or resident in writing or which have been reduced to judgment that may be satisfied
7 according to law.

8 **SECTION 8.** 303.01 (8) (c) 5m. of the statutes is created to read:

9 303.01 (8) (c) 5m. Payment of the child abuse prevention and child mental
10 health surcharge under s. 973.044 (4).

History: 1975 c. 41 s. 52; 1975 c. 224, 396; 1977 c. 26 ss. 42, 75; 1983 a. 27; 1983 a. 189 s. 329 (28); 1983 a. 524; 1987 a. 27; 1989 a. 31 s. 1673c; Stats. 1989 s. 303.01; 1989 a. 283; 1991 a. 269; 1993 a. 16; 1995 a. 27; 1997 a. 27, 36; 1999 a. 9, 2; 2001 a. 16.

11 **SECTION 9.** 303.065 (5) (bo) of the statutes is created to read:

12 303.065 (5) (bo) Payment of the child abuse prevention and child mental health
13 surcharge under s. 973.044 (4).

14 **SECTION 10.** 814.75 (5m) of the statutes is created to read:

15 814.75 (5m) The child abuse prevention and child mental health surcharge
16 under s. 973.044.

17 **SECTION 11.** 814.76 (4m) of the statutes is created to read:

18 814.76 (4m) The child abuse prevention and child mental health surcharge
19 under s. 973.044.

20 **SECTION 12.** 973.044 of the statutes is created to read:

21 **973.044 Child abuse prevention and child mental health surcharge. (1)**

22 If a court imposes a sentence or places a person on probation, the court shall impose
23 a child abuse prevention and child mental health surcharge of \$20 for each
24 misdemeanor offense or count and for each felony offense or ~~count~~.

count

1 (2) After the clerk determines the amount due, the clerk of court shall collect
2 and transmit the amount to the county treasurer under s. 59.40 (2) (m). The county
3 treasurer shall then make payment to the secretary of administration under s. 59.25
4 (3) (f) 2.

5 (3) The clerk shall record the child abuse prevention and child mental health
6 surcharge. For each misdemeanor offense or count and for each felony offense or
7 count, the secretary of administration shall credit \$6 to the appropriation account
8 under s. 20.433 (1) (h) and shall credit \$14 to the appropriation account under s.
9 20.435 (6) (gb).

10 (4) If an inmate in a state prison or a person sentenced to a state prison has
11 not paid the child abuse prevention and child mental health surcharge under this
12 section, the department shall assess and collect the amount owed from the inmate's
13 wages or other moneys. Any amount collected shall be transmitted to the secretary
14 of administration.

History: 1983 a. 27; 1987 a. 27; 1989 a. 31; 1993 a. 16; 1995 a. 20; 2003 a. 33.

15 **SECTION 13.** 973.05 (2m) of the statutes is amended to read:

16 973.05 (2m) Payments under this section shall be applied first to payment of
17 the penalty surcharge until paid in full, shall then be applied to the payment of the
18 jail surcharge until paid in full, shall then be applied to the payment of part A of the
19 crime victim and witness assistance surcharge until paid in full, shall then be
20 applied to part B of the crime victim and witness assistance surcharge until paid in
21 full, shall then be applied to the child abuse prevention and child mental health
22 surcharge until paid in full, shall then be applied to the crime laboratories and drug
23 law enforcement surcharge until paid in full, shall then be applied to the
24 deoxyribonucleic acid analysis surcharge until paid in full, shall then be applied to

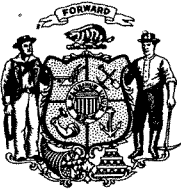
1 the drug abuse program improvement surcharge until paid in full, shall then be
2 applied to payment of the driver improvement surcharge until paid in full, shall then
3 be applied to the truck driver education surcharge if applicable until paid in full,
4 shall then be applied to payment of the domestic abuse surcharge until paid in full,
5 shall then be applied to payment of the consumer protection surcharge until paid in
6 full, shall then be applied to payment of the natural resources surcharge if applicable
7 until paid in full, shall then be applied to payment of the natural resources
8 restitution surcharge until paid in full, shall then be applied to the payment of the
9 environmental surcharge if applicable until paid in full, shall then be applied to the
10 payment of the wild animal protection surcharge if applicable until paid in full, shall
11 then be applied to payment of the weapons surcharge until paid in full, shall then
12 be applied to payment of the uninsured employer surcharge until paid in full, shall
13 then be applied to payment of the enforcement surcharge under s. 253.06 (4) (c), if
14 applicable, until paid in full, and shall then be applied to payment of the fine and the
15 costs and fees imposed under ch. 814.

History: 1977 c. 29; 1979 c. 34, 111; 1981 c. 20, 88, 352; 1983 a. 27, 535; 1985 a. 36; 1987 a. 27, 339, 398; 1989 a. 64, 107, 359; 1991 a. 39; 1993 a. 16; 1995 a. 227, 438, 448; 1997 a. 3, 27, 35, 148, 248; 1999 a. 9, 32; 2001 a. 16, 56, 105; 2003 a. 139.

SECTION 9321. Initial applicability; health and family services.

17 (1) CHILD ABUSE PREVENTION AND CHILD MENTAL HEALTH SURCHARGE. The
18 treatment of section 973.044 (1) of the statutes first applies to sentences or probation
19 imposed on the effective date of this subsection.

(END)



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-1417/P1
CMH:jld:pg

P2

1/10 05 11

KMR

DOA:.....Rhodes, BB0355 - Child abuse prevention and child mental health surcharge

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT *dangerous cat*; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

This bill creates a \$20 child abuse prevention and child mental health surcharge and requires a court to impose the surcharge on each misdemeanor offense or count and on each felony offense or count when it imposes a sentence or places a person on probation. Of the surcharge \$6 will be transferred to the Child Abuse and Neglect Prevention Board for distribution as grants to organizations and \$10 will be transferred to DHFS for programs providing prevention, intervention, and treatment for alcohol and other drug abuse problems. If an inmate in a state prison or a person sentenced to a state prison has not paid the child abuse prevention and child mental health surcharge, DOC must assess and collect the amount owed from the inmate's wages or other moneys. (14)

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.433 (1) (h) of the statutes is amended to read:

2 20.433 (1) (h) *Grants to organizations.* All moneys received under s. 69.22 (1m),
3 less the amounts appropriated under par. (g), and all moneys received from the child
4 abuse prevention and child mental health surcharge under s. 973.044, to be used for
5 grants to organizations under s. 48.982 (4), (6), and (7).

6 **SECTION 2.** 20.435 (6) (gb) of the statutes is amended to read:

7 20.435 (6) (gb) *Alcohol and drug abuse initiatives.* All moneys received under
8 s. 961.41 (5) (c), and all moneys received from the child abuse prevention and child
9 mental health surcharge under s. 973.044, to be expended on programs providing
10 prevention, intervention, and treatment for alcohol and other drug abuse problems.

11 **SECTION 3.** 46.07 of the statutes is amended to read:

12 **46.07 Property of patients or residents.** All money including wages and
13 other property delivered to an officer or employee of any institution for the benefit
14 of a patient or resident shall ~~forthwith~~ be delivered to the steward, who shall enter
15 the ~~same~~ money upon the steward's books to the credit of the patient or resident. The
16 property shall be used only under the direction and with the approval of the
17 superintendent and for the crime victim and witness assistance surcharge under s.
18 973.045 (4), the delinquency victim and witness assistance surcharge under s. 938.34
19 (8d) (c), the child abuse prevention and child mental health surcharge under s.
20 973.044 (4), the deoxyribonucleic acid analysis surcharge under s. 973.046 or the
21 benefit of the patient or resident. If the money remains uncalled for for one year after
22 the patient's or resident's death or departure from the institution, the
23 superintendent shall deposit the ~~same~~ money in the general fund. If any patient or
24 resident leaves property, other than money, uncalled for at an institution for one year,
25 the superintendent shall sell the property, and the proceeds shall be deposited in the

1 general fund. If any person satisfies the department, within 5 years after the deposit,
2 of his or her right to the deposit, the department shall direct the department of
3 administration to draw its warrant in favor of the claimant and it shall charge the
4 same to the appropriation made by s. 20.913 (3) (c).

5 **SECTION 4.** 301.32 (1) of the statutes is amended to read:

6 **301.32 (1) PROPERTY DELIVERED TO WARDEN OR SUPERINTENDENT; CREDIT AND DEBIT.**

7 All money and other property delivered to an employee of any state correctional
8 institution for the benefit of a prisoner or resident shall be delivered to the warden
9 or superintendent, who shall enter the property upon his or her accounts to the credit
10 of the prisoner or resident. The property may be used only under the direction and
11 with the approval of the superintendent or warden and for the crime victim and
12 witness assistance surcharge under s. 973.045 (4), the child abuse prevention and
13 child mental health surcharge under s. 973.044 (4), the delinquency victim and
14 witness assistance surcharge under s. 938.34 (8d) (c), the deoxyribonucleic acid
15 analysis surcharge under s. 973.046 or the benefit of the prisoner or resident. If the
16 money remains uncalled for for one year after the prisoner's or resident's death or
17 departure from the state correctional institution, the superintendent shall deposit
18 it in the general fund. If any prisoner or resident leaves property, other than money,
19 uncalled for at a state correctional institution for one year, the superintendent shall
20 sell the property and deposit the proceeds in the general fund, donate the property
21 to a public agency or private, nonprofit organization or destroy the property. If any
22 person satisfies the department, within 5 years after the deposit, of his or her right
23 to the deposit, the department shall direct the department of administration to draw
24 its warrant in favor of the claimant and it shall charge the same to the appropriation
25 made by s. 20.913 (3) (bm).

1 **SECTION 5.** 302.12 (2) of the statutes is amended to read:

2 302.12 (2) Money accruing under this section remains under the control of the
3 department, to be used for the crime victim and witness assistance surcharge under
4 s. 973.045 (4), the child abuse prevention and child mental health surcharge under
5 s. 973.044 (4), the deoxyribonucleic acid analysis surcharge under s. 973.046, and the
6 benefit of the inmate or the inmate's family or dependents, under rules promulgated
7 by the department as to time, manner and amount of disbursements.

8 **SECTION 6.** 302.13 of the statutes is amended to read:

9 **302.13 Preservation of property an inmate brings to prison.** The
10 department shall preserve money and effects, except clothes, in the possession of an
11 inmate when admitted to the prison and, subject to the crime victim and witness
12 assistance surcharge under s. 973.045 (4), the child abuse prevention and child
13 mental health surcharge under s. 973.044 (4), and the deoxyribonucleic acid analysis
14 surcharge under s. 973.046, shall restore the money and effects to the inmate when
15 discharged.

16 **SECTION 7.** 303.01 (8) (b) of the statutes is amended to read:

17 303.01 (8) (b) The department shall distribute earnings of an inmate or
18 resident, other than an inmate or resident employed under sub. (2) (em), for the crime
19 victim and witness assistance surcharge under s. 973.045 (4), the child abuse
20 prevention and child mental health surcharge under s. 973.044 (4), for the
21 delinquency victim and witness assistance surcharge under s. 938.34 (8d) (c), for the
22 deoxyribonucleic acid analysis surcharge under s. 973.046 (4) and for compliance
23 with s. 303.06 (2) and may distribute earnings for the support of the inmate's or
24 resident's dependents and for other obligations either acknowledged by the inmate

1 or resident in writing or which have been reduced to judgment that may be satisfied
2 according to law.

3 **SECTION 8.** 303.01 (8) (c) 5m. of the statutes is created to read:

4 303.01 (8) (c) 5m. Payment of the child abuse prevention and child mental
5 health surcharge under s. 973.044 (4).

6 **SECTION 9.** 303.065 (5) (bo) of the statutes is created to read:

7 303.065 (5) (bo) Payment of the child abuse prevention and child mental health
8 surcharge under s. 973.044 (4).

9 **SECTION 10.** 814.75 (5m) of the statutes is created to read:

10 814.75 (5m) The child abuse prevention and child mental health surcharge
11 under s. 973.044.

12 **SECTION 11.** 814.76 (4m) of the statutes is created to read:

13 814.76 (4m) The child abuse prevention and child mental health surcharge
14 under s. 973.044.

15 **SECTION 12.** 973.044 of the statutes is created to read:

16 **973.044 Child abuse prevention and child mental health surcharge. (1)**

17 If a court imposes a sentence or places a person on probation, the court shall impose
18 a child abuse prevention and child mental health surcharge of \$20 for each
19 misdemeanor offense or count and for each felony offense or count.

20 (2) After the clerk determines the amount due, the clerk of court shall collect
21 and transmit the amount to the county treasurer under s. 59.40 (2) (m). The county
22 treasurer shall then make payment to the secretary of administration under s. 59.25
23 (3) (f) 2.

24 (3) The clerk shall record the child abuse prevention and child mental health
25 surcharge. For each misdemeanor offense or count and for each felony offense or

1 count, the secretary of administration shall credit \$6 to the appropriation account
2 under s. 20.433 (1) (h) and shall credit \$14 to the appropriation account under s.
3 20.435 (6) (gb).

4 (4) If an inmate in a state prison or a person sentenced to a state prison has
5 not paid the child abuse prevention and child mental health surcharge under this
6 section, the department shall assess and collect the amount owed from the inmate's
7 wages or other moneys. Any amount collected shall be transmitted to the secretary
8 of administration.

9 **SECTION 13.** 973.05 (2m) of the statutes is amended to read:

10 973.05 (2m) Payments under this section shall be applied first to payment of
11 the penalty surcharge until paid in full, shall then be applied to the payment of the
12 jail surcharge until paid in full, shall then be applied to the payment of part A of the
13 crime victim and witness assistance surcharge until paid in full, shall then be
14 applied to part B of the crime victim and witness assistance surcharge until paid in
15 full, shall then be applied to the child abuse prevention and child mental health
16 surcharge until paid in full, shall then be applied to the crime laboratories and drug
17 law enforcement surcharge until paid in full, shall then be applied to the
18 deoxyribonucleic acid analysis surcharge until paid in full, shall then be applied to
19 the drug abuse program improvement surcharge until paid in full, shall then be
20 applied to payment of the driver improvement surcharge until paid in full, shall then
21 be applied to the truck driver education surcharge if applicable until paid in full,
22 shall then be applied to payment of the domestic abuse surcharge until paid in full,
23 shall then be applied to payment of the consumer protection surcharge until paid in
24 full, shall then be applied to payment of the natural resources surcharge if applicable
25 until paid in full, shall then be applied to payment of the natural resources

1 restitution surcharge until paid in full, shall then be applied to the payment of the
2 environmental surcharge if applicable until paid in full, shall then be applied to the
3 payment of the wild animal protection surcharge if applicable until paid in full, shall
4 then be applied to payment of the weapons surcharge until paid in full, shall then
5 be applied to payment of the uninsured employer surcharge until paid in full, shall
6 then be applied to payment of the enforcement surcharge under s. 253.06 (4) (c), if
7 applicable, until paid in full, and shall then be applied to payment of the fine and the
8 costs and fees imposed under ch. 814.

9 **SECTION 9321. Initial applicability; health and family services.**

10 (1) CHILD ABUSE PREVENTION AND CHILD MENTAL HEALTH SURCHARGE. The
11 treatment of section 973.044 (1) of the statutes first applies to sentences or probation
12 imposed on the effective date of this subsection.

13 (END)

Hanaman, Cathlene

From: Rhodes, Dennis
Sent: Friday, January 21, 2005 3:27 PM
To: Hanaman, Cathlene
Cc: Kennedy, Debora; Daggett, Cynthia; Dunkel, Donna
Subject: Child abuse prevention and child mental health surcharge LRB-1417

Cathlene,

It turns out 20.435 (6) (gb) *Alcohol and drug abuse initiatives* will not work for the DHFS portion of the surcharge. It's a state operations appropriation and we need to get this funding into an aids appropriation.

Can you create a new alpha in DHFS program 3 titled "Child abuse prevention and child mental health surcharge" that will reference the Collaboration and Intervention of Mental Health and Substance Abuse Services for Children and their Parents program that Debora has created in LRB-0349 --the Grants for Community Programs draft?

Debora, can you suggest a home for the Collaboration and Intervention of Mental Health and Substance Abuse Services for Children and their Parents program that ties it more to child welfare and kids in DHFS DCFS rather than linking it to DHFS DDES?

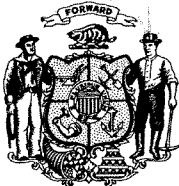
Thanks. I apologize if this is thoroughly confusing.

Dennis

PS:

DHFS also suggests the following addition to the surcharge draft with language borrowed from Debora's Community Programs draft.

(gb)
s. 973.044 (3) The clerk shall record the child abuse prevention and child mental health surcharge. For each misdemeanor offense or count and for each felony offense or count, the secretary of administration shall credit \$6 into the appropriation account under s. 20.433(1)(h) and shall credit \$14 to the appropriation account under s. 20.435(3)(???). All monies collected by s. 20.435(3)(22) shall be used to award not more than \$57,500 in FY06 and not more than \$229,800 in FY07 as grants for up to 3 years to counties with populations of less than 500,000 and to tribal governing bodies to demonstrate collaboration between a county department under s. 46.23 and a tribal agency in a county or among county departments under ss. 46.22, 51.42, and tribal agencies in a county for intervention for the mental health and substance screening, assessment and treatment of children who have been abused or neglected and their parents for whom the county departments and tribal agencies determine there is a need to provide services.



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-1417/P2

CMH:jld:rs

P3
+ WLj

DOA:.....Rhodes, BB0355 - Child abuse prevention and child mental health surcharge

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

This bill creates a \$20 child abuse prevention and child mental health surcharge and requires a court to impose the surcharge on each misdemeanor offense or count and on each felony offense or count when it imposes a sentence or places a person on probation. Of the surcharge \$6 will be transferred to the Child Abuse and Neglect Prevention Board for distribution as grants to organizations and \$14 will be transferred to DHFS for programs providing prevention, intervention, and treatment for alcohol and other drug abuse problems. If an inmate in a state prison or a person sentenced to a state prison has not paid the child abuse prevention and child mental health surcharge, DOC must assess and collect the amount owed from the inmate's wages or other moneys.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

grants to counties with
populations of less than
500,000 and to tribal
governing bodies in the counties
to promote collaborative
programs that provide

don't enact

1 **SECTION 1.** 20.433 (1) (h) of the statutes is amended to read:

2 20.433 (1) (h) *Grants to organizations.* All moneys received under s. 69.22 (1m),
3 less the amounts appropriated under par. (g), and all moneys received from the child
4 abuse prevention and child mental health surcharge under s. 973.044, to be used for
5 grants to organizations under s. 48.982 (4), (6), and (7).

6 **SECTION 2.** 20.435 (6) (gb) of the statutes is amended to read:

7 20.435 (6) (gb) ~~*Alcohol and drug abuse initiatives.*~~ All moneys received under
8 s. 961.41 (5) (c), and all moneys received from the child abuse prevention and child
9 mental health surcharge under s. 973.044, to be expended on programs providing
10 prevention, intervention, and treatment for alcohol and other drug abuse problems.

11 **SECTION 3.** 46.07 of the statutes is amended to read:

12 **46.07 Property of patients or residents.** All money including wages and
13 other property delivered to an officer or employee of any institution for the benefit
14 of a patient or resident shall ~~forthwith~~ be delivered to the steward, who shall enter
15 the ~~same~~ money upon the steward's books to the credit of the patient or resident. The
16 property shall be used only under the direction and with the approval of the
17 superintendent and for the crime victim and witness assistance surcharge under s.
18 973.045 (4), the delinquency victim and witness assistance surcharge under s. 938.34
19 (8d) (c), the child abuse prevention and child mental health surcharge under s.
20 973.044 (4), the deoxyribonucleic acid analysis surcharge under s. 973.046 or the
21 benefit of the patient or resident. If the money remains uncalled for for one year after
22 the patient's or resident's death or departure from the institution, the
23 superintendent shall deposit the ~~same~~ money in the general fund. If any patient or
24 resident leaves property, other than money, uncalled for at an institution for one year,
25 the superintendent shall sell the property, and the proceeds shall be deposited in the

1 general fund. If any person satisfies the department, within 5 years after the deposit,
2 of his or her right to the deposit, the department shall direct the department of
3 administration to draw its warrant in favor of the claimant and it shall charge the
4 same to the appropriation made by s. 20.913 (3) (c).

5 **SECTION 4.** 301.32 (1) of the statutes is amended to read:

6 **301.32 (1) PROPERTY DELIVERED TO WARDEN OR SUPERINTENDENT; CREDIT AND DEBIT.**

7 All money and other property delivered to an employee of any state correctional
8 institution for the benefit of a prisoner or resident shall be delivered to the warden
9 or superintendent, who shall enter the property upon his or her accounts to the credit
10 of the prisoner or resident. The property may be used only under the direction and
11 with the approval of the superintendent or warden and for the crime victim and
12 witness assistance surcharge under s. 973.045 (4), the child abuse prevention and
13 child mental health surcharge under s. 973.044 (4), the delinquency victim and
14 witness assistance surcharge under s. 938.34 (8d) (c), the deoxyribonucleic acid
15 analysis surcharge under s. 973.046 or the benefit of the prisoner or resident. If the
16 money remains uncalled for for one year after the prisoner's or resident's death or
17 departure from the state correctional institution, the superintendent shall deposit
18 it in the general fund. If any prisoner or resident leaves property, other than money,
19 uncalled for at a state correctional institution for one year, the superintendent shall
20 sell the property and deposit the proceeds in the general fund, donate the property
21 to a public agency or private, nonprofit organization or destroy the property. If any
22 person satisfies the department, within 5 years after the deposit, of his or her right
23 to the deposit, the department shall direct the department of administration to draw
24 its warrant in favor of the claimant and it shall charge the same to the appropriation
25 made by s. 20.913 (3) (bm).

1 **SECTION 5.** 302.12 (2) of the statutes is amended to read:

2 302.12 (2) Money accruing under this section remains under the control of the
3 department, to be used for the crime victim and witness assistance surcharge under
4 s. 973.045 (4), the child abuse prevention and child mental health surcharge under
5 s. 973.044 (4), the deoxyribonucleic acid analysis surcharge under s. 973.046, and the
6 benefit of the inmate or the inmate's family or dependents, under rules promulgated
7 by the department as to time, manner and amount of disbursements.

8 **SECTION 6.** 302.13 of the statutes is amended to read:

9 **302.13 Preservation of property an inmate brings to prison.** The
10 department shall preserve money and effects, except clothes, in the possession of an
11 inmate when admitted to the prison and, subject to the crime victim and witness
12 assistance surcharge under s. 973.045 (4), the child abuse prevention and child
13 mental health surcharge under s. 973.044 (4), and the deoxyribonucleic acid analysis
14 surcharge under s. 973.046, shall restore the money and effects to the inmate when
15 discharged.

16 **SECTION 7.** 303.01 (8) (b) of the statutes is amended to read:

17 303.01 (8) (b) The department shall distribute earnings of an inmate or
18 resident, other than an inmate or resident employed under sub. (2) (em), for the crime
19 victim and witness assistance surcharge under s. 973.045 (4), the child abuse
20 prevention and child mental health surcharge under s. 973.044 (4), for the
21 delinquency victim and witness assistance surcharge under s. 938.34 (8d) (c), for the
22 deoxyribonucleic acid analysis surcharge under s. 973.046 (4) and for compliance
23 with s. 303.06 (2) and may distribute earnings for the support of the inmate's or
24 resident's dependents and for other obligations either acknowledged by the inmate

1 or resident in writing or which have been reduced to judgment that may be satisfied
2 according to law.

3 **SECTION 8.** 303.01 (8) (c) 5m. of the statutes is created to read:

4 303.01 (8) (c) 5m. Payment of the child abuse prevention and child mental
5 health surcharge under s. 973.044 (4).

6 **SECTION 9.** 303.065 (5) (bo) of the statutes is created to read:

7 303.065 (5) (bo) Payment of the child abuse prevention and child mental health
8 surcharge under s. 973.044 (4).

9 **SECTION 10.** 814.75 (5m) of the statutes is created to read:

10 814.75 (5m) The child abuse prevention and child mental health surcharge
11 under s. 973.044.

12 **SECTION 11.** 814.76 (4m) of the statutes is created to read:

13 814.76 (4m) The child abuse prevention and child mental health surcharge
14 under s. 973.044.

15 **SECTION 12.** 973.044 of the statutes is created to read:

16 **973.044 Child abuse prevention and child mental health surcharge. (1)**

17 If a court imposes a sentence or places a person on probation, the court shall impose
18 a child abuse prevention and child mental health surcharge of \$20 for each
19 misdemeanor offense or count and for each felony offense or count.

20 (2) After the clerk determines the amount due, the clerk of court shall collect
21 and transmit the amount to the county treasurer under s. 59.40 (2) (m). The county
22 treasurer shall then make payment to the secretary of administration under s. 59.25
23 (3) (f) 2.

24 (3) The clerk shall record the child abuse prevention and child mental health
25 surcharge. For each misdemeanor offense or count and for each felony offense or

1 count, the secretary of administration shall credit \$6 to the appropriation account
2 under s. 20.433 (1) (h) and shall credit \$14 to the appropriation account under s.
3 20.435 (6) (gb). 3

4 (4) If an inmate in a state prison or a person sentenced to a state prison has
5 not paid the child abuse prevention and child mental health surcharge under this
6 section, the department shall assess and collect the amount owed from the inmate's
7 wages or other moneys. Any amount collected shall be transmitted to the secretary
8 of administration.

9 **SECTION 13.** 973.05 (2m) of the statutes is amended to read:

10 973.05 (2m) Payments under this section shall be applied first to payment of
11 the penalty surcharge until paid in full, shall then be applied to the payment of the
12 jail surcharge until paid in full, shall then be applied to the payment of part A of the
13 crime victim and witness assistance surcharge until paid in full, shall then be
14 applied to part B of the crime victim and witness assistance surcharge until paid in
15 full, shall then be applied to the child abuse prevention and child mental health
16 surcharge until paid in full, shall then be applied to the crime laboratories and drug
17 law enforcement surcharge until paid in full, shall then be applied to the
18 deoxyribonucleic acid analysis surcharge until paid in full, shall then be applied to
19 the drug abuse program improvement surcharge until paid in full, shall then be
20 applied to payment of the driver improvement surcharge until paid in full, shall then
21 be applied to the truck driver education surcharge if applicable until paid in full,
22 shall then be applied to payment of the domestic abuse surcharge until paid in full,
23 shall then be applied to payment of the consumer protection surcharge until paid in
24 full, shall then be applied to payment of the natural resources surcharge if applicable
25 until paid in full, shall then be applied to payment of the natural resources

1 restitution surcharge until paid in full, shall then be applied to the payment of the
2 environmental surcharge if applicable until paid in full, shall then be applied to the
3 payment of the wild animal protection surcharge if applicable until paid in full, shall
4 then be applied to payment of the weapons surcharge until paid in full, shall then
5 be applied to payment of the uninsured employer surcharge until paid in full, shall
6 then be applied to payment of the enforcement surcharge under s. 253.06 (4) (c), if
7 applicable, until paid in full, and shall then be applied to payment of the fine and the
8 costs and fees imposed under ch. 814.

9 **SECTION 9321. Initial applicability; health and family services.**

10 (1) CHILD ABUSE PREVENTION AND CHILD MENTAL HEALTH SURCHARGE. The
11 treatment of section 973.044 (1) of the statutes first applies to sentences or probation
12 imposed on the effective date of this subsection.

13 **(END)**

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1417/P3ins
CMH:jld:rs

1 Insert 2-5

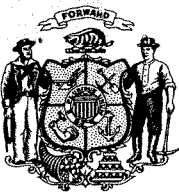
2 SECTION ~~1~~ 20.435 (3) (gb) of the statutes is created to read:

3 20.435 (3) (gb) *Child abuse prevention and child mental health.* All moneys
4 received from the child abuse prevention and child mental health surcharge under
5 s. 973.044 to ~~award~~ ^{be used for} grants described under s. 46.481 (2m) not more than \$57,500
6 in fiscal year 2005-06 and not more than \$229,800 in fiscal year 2006-07. ^{stays}

***NOTE: LRB-0349/5 creates s. 46.481 (2m). ✓

→ ~~NOTE~~ NOTE ✓
GWD

as



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-1417/P3
CMH:jld&wlj:jf

P4

D Note

DOA:.....Rhodes, BB0355 - Child abuse prevention and child mental health surcharge

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

pp 4-5
only

Don't gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

This bill creates a \$20 child abuse prevention and child mental health surcharge and requires a court to impose the surcharge on each misdemeanor offense or count and on each felony offense or count when it imposes a sentence or places a person on probation. Of the surcharge \$6 will be transferred to the Child Abuse and Neglect Prevention Board for distribution as grants to organizations, and \$14 will be transferred to DHFS for grants to counties with populations of less than 500,000 and to tribal governing bodies in the counties to promote collaborative programs that provide prevention, intervention, and treatment for alcohol and other drug abuse problems. If an inmate in a state prison or a person sentenced to a state prison has not paid the child abuse prevention and child mental health surcharge, DOC must assess and collect the amount owed from the inmate's wages or other moneys.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

program
revenues

SECTION 1. 20.433 (1) (h) of the statutes is amended to read:

20.433 (1) (h) *Grants to organizations*. All moneys received under s. 69.22 (1m), less the amounts appropriated under par. (g), and all moneys credited to this appropriation account from the child abuse prevention and child mental health surcharge under s. 973.044, to be used for grants to organizations under s. 48.982 (4), (6), and (7).

SECTION 2. 20.435 (3) (gb) of the statutes is created to read:

20.435 (3) (gb) *Child abuse prevention and child mental health*. All moneys received from the child abuse prevention and child mental health surcharge under s. 973.044 to be used for grants as described under s. 46.481 (2m).

****NOTE: LRB-0349/5 creates s. 46.481 (2m).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 3. 46.07 of the statutes is amended to read:

46.07 Property of patients or residents. All money including wages and other property delivered to an officer or employee of any institution for the benefit of a patient or resident shall ~~forthwith~~ be delivered to the steward, who shall enter the ~~same~~ money upon the steward's books to the credit of the patient or resident. The property shall be used only under the direction and with the approval of the superintendent and for the crime victim and witness assistance surcharge under s. 973.045 (4), the delinquency victim and witness assistance surcharge under s. 938.34 (8d) (c), the child abuse prevention and child mental health surcharge under s. 973.044 (4), the deoxyribonucleic acid analysis surcharge under s. 973.046 or the benefit of the patient or resident. If the money remains uncalled for for one year after the patient's or resident's death or departure from the institution, the superintendent shall deposit the ~~same~~ money in the general fund. If any patient or

1 resident leaves property, other than money, uncalled for at an institution for one year,
2 the superintendent shall sell the property, and the proceeds shall be deposited in the
3 general fund. If any person satisfies the department, within 5 years after the deposit,
4 of his or her right to the deposit, the department shall direct the department of
5 administration to draw its warrant in favor of the claimant and it shall charge the
6 same to the appropriation made by s. 20.913 (3) (c).

7 **SECTION 4.** 301.32 (1) of the statutes is amended to read:

8 **301.32 (1) PROPERTY DELIVERED TO WARDEN OR SUPERINTENDENT; CREDIT AND DEBIT.**

9 All money and other property delivered to an employee of any state correctional
10 institution for the benefit of a prisoner or resident shall be delivered to the warden
11 or superintendent, who shall enter the property upon his or her accounts to the credit
12 of the prisoner or resident. The property may be used only under the direction and
13 with the approval of the superintendent or warden and for the crime victim and
14 witness assistance surcharge under s. 973.045 (4), the child abuse prevention and
15 child mental health surcharge under s. 973.044 (4), the delinquency victim and
16 witness assistance surcharge under s. 938.34 (8d) (c), the deoxyribonucleic acid
17 analysis surcharge under s. 973.046 or the benefit of the prisoner or resident. If the
18 money remains uncalled for for one year after the prisoner's or resident's death or
19 departure from the state correctional institution, the superintendent shall deposit
20 it in the general fund. If any prisoner or resident leaves property, other than money,
21 uncalled for at a state correctional institution for one year, the superintendent shall
22 sell the property and deposit the proceeds in the general fund, donate the property
23 to a public agency or private, nonprofit organization or destroy the property. If any
24 person satisfies the department, within 5 years after the deposit, of his or her right
25 to the deposit, the department shall direct the department of administration to draw

1 its warrant in favor of the claimant and it shall charge the same to the appropriation
2 made by s. 20.913 (3) (bm).

3 **SECTION 5.** 302.12 (2) of the statutes is amended to read:

4 302.12 (2) Money accruing under this section remains under the control of the
5 department, to be used for the crime victim and witness assistance surcharge under
6 s. 973.045 (4), the child abuse prevention and child mental health surcharge under
7 s. 973.044 (4), the deoxyribonucleic acid analysis surcharge under s. 973.046, and the
8 benefit of the inmate or the inmate's family or dependents, under rules promulgated
9 by the department as to time, manner and amount of disbursements.

10 **SECTION 6.** 302.13 of the statutes is amended to read:

11 **302.13 Preservation of property an inmate brings to prison.** The
12 department shall preserve money and effects, except clothes, in the possession of an
13 inmate when admitted to the prison and, subject to the crime victim and witness
14 assistance surcharge under s. 973.045 (4), the child abuse prevention and child
15 mental health surcharge under s. 973.044 (4), and the deoxyribonucleic acid analysis
16 surcharge under s. 973.046, shall restore the money and effects to the inmate when
17 discharged.

18 **SECTION 7.** 303.01 (8) (b) of the statutes is amended to read:

19 303.01 (8) (b) The department shall distribute earnings of an inmate or
20 resident, ~~other than an inmate or resident employed under sub. (2) (em),~~ ^{strike} for the crime
21 victim and witness assistance surcharge under s. 973.045 (4), the child abuse
22 prevention and child mental health surcharge under s. 973.044 (4), for the
23 delinquency victim and witness assistance surcharge under s. 938.34 (8d) (c), for the
24 deoxyribonucleic acid analysis surcharge under s. 973.046 (4) and for compliance
25 with s. 303.06 (2) and may distribute earnings for the support of the inmate's or

NOTE: This is amended s. 303.01 (8)(b). This section has been affected by drafts with the following LRB #'s: LRB-1417 and LRB-0252.

1 resident's dependents and for other obligations either acknowledged by the inmate
2 or resident in writing or which have been reduced to judgment that may be satisfied
3 according to law.

4 **SECTION 8.** 303.01 (8) (c) 5m. of the statutes is created to read:

5 303.01 (8) (c) 5m. Payment of the child abuse prevention and child mental
6 health surcharge under s. 973.044 (4).

7 **SECTION 9.** 303.065 (5) (bo) of the statutes is created to read:

8 303.065 (5) (bo) Payment of the child abuse prevention and child mental health
9 surcharge under s. 973.044 (4).

10 **SECTION 10.** 814.75 (5m) of the statutes is created to read:

11 814.75 (5m) The child abuse prevention and child mental health surcharge
12 under s. 973.044.

13 **SECTION 11.** 814.76 (4m) of the statutes is created to read:

14 814.76 (4m) The child abuse prevention and child mental health surcharge
15 under s. 973.044.

16 **SECTION 12.** 973.044 of the statutes is created to read:

17 **973.044 Child abuse prevention and child mental health surcharge. (1)**

18 If a court imposes a sentence or places a person on probation, the court shall impose
19 a child abuse prevention and child mental health surcharge of \$20 for each
20 misdemeanor offense or count and for each felony offense or count.

21 (2) After the clerk determines the amount due, the clerk of court shall collect
22 and transmit the amount to the county treasurer under s. 59.40 (2) (m). The county
23 treasurer shall then make payment to the secretary of administration under s. 59.25

24 (3) (f) 2.

1 (3) The clerk shall record the child abuse prevention and child mental health
2 surcharge. For each misdemeanor offense or count and for each felony offense or
3 count, the secretary of administration shall credit \$6 to the appropriation account
4 under s. 20.433 (1) (h) and shall credit \$14 to the appropriation account under s.
5 20.435 (3) (gb).

6 (4) If an inmate in a state prison or a person sentenced to a state prison has
7 not paid the child abuse prevention and child mental health surcharge under this
8 section, the department shall assess and collect the amount owed from the inmate's
9 wages or other moneys. Any amount collected shall be transmitted to the secretary
10 of administration.

11 **SECTION 13.** 973.05 (2m) of the statutes is amended to read:

12 **973.05 (2m)** Payments under this section shall be applied first to payment of
13 the penalty surcharge until paid in full, shall then be applied to the payment of the
14 jail surcharge until paid in full, shall then be applied to the payment of part A of the
15 crime victim and witness assistance surcharge until paid in full, shall then be
16 applied to part B of the crime victim and witness assistance surcharge until paid in
17 full, shall then be applied to the child abuse prevention and child mental health
18 surcharge until paid in full, shall then be applied to the crime laboratories and drug
19 law enforcement surcharge until paid in full, shall then be applied to the
20 deoxyribonucleic acid analysis surcharge until paid in full, shall then be applied to
21 the drug abuse program improvement surcharge until paid in full, shall then be
22 applied to payment of the driver improvement surcharge until paid in full, shall then
23 be applied to the truck driver education surcharge if applicable until paid in full,
24 shall then be applied to payment of the domestic abuse surcharge until paid in full,
25 shall then be applied to payment of the consumer protection surcharge until paid in

1 full, shall then be applied to payment of the natural resources surcharge if applicable
2 until paid in full, shall then be applied to payment of the natural resources
3 restitution surcharge until paid in full, shall then be applied to the payment of the
4 environmental surcharge if applicable until paid in full, shall then be applied to the
5 payment of the wild animal protection surcharge if applicable until paid in full, shall
6 then be applied to payment of the weapons surcharge until paid in full, shall then
7 be applied to payment of the uninsured employer surcharge until paid in full, shall
8 then be applied to payment of the enforcement surcharge under s. 253.06 (4) (c), if
9 applicable, until paid in full, and shall then be applied to payment of the fine and the
10 costs and fees imposed under ch. 814.

11 **SECTION 9321. Initial applicability; health and family services.**

12 (1) CHILD ABUSE PREVENTION AND CHILD MENTAL HEALTH SURCHARGE. The
13 treatment of section 973.044 (1) of the statutes first applies to sentences or probation
14 imposed on the effective date of this subsection.

15 (END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1417/P4dn

MGD:.....

→ *CMH/Gmm*

Jana Steinmetz and Dennis Rhodes:

This draft reconciles LRB-0252/1 and LRB-1417/P3. Both of these drafts should continue to appear in the compiled bill.

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→ Gmm

This draft also reconciles LRB-1417/P3 and LRB-1625/2. Both of these drafts should continue to appear in the compiled bill.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1417/P4dn
MGD/CMH/GMM:jld:rs

January 26, 2005

Jana Steinmetz and Dennis Rhodes:

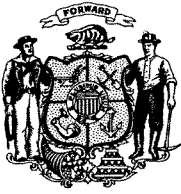
This draft reconciles LRB-0252/1 and LRB-1417/P3. Both of these drafts should continue to appear in the compiled bill.

This draft also reconciles LRB-1417/P3 and LRB-1625/2. Both of these drafts should continue to appear in the compiled bill.

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State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-1417/P4
CMH:jld&wlj:rs

DOA:.....Rhodes, BB0355 - Child abuse prevention and child mental health surcharge

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

This bill creates a \$20 child abuse prevention and child mental health surcharge and requires a court to impose the surcharge on each misdemeanor offense or count and on each felony offense or count when it imposes a sentence or places a person on probation. Of the surcharge \$6 will be transferred to the Child Abuse and Neglect Prevention Board for distribution as grants to organizations, and \$14 will be transferred to DHFS for grants to counties with populations of less than 500,000 and to tribal governing bodies in the counties to promote collaborative programs that provide prevention, intervention, and treatment for alcohol and other drug abuse problems. If an inmate in a state prison or a person sentenced to a state prison has not paid the child abuse prevention and child mental health surcharge, DOC must assess and collect the amount owed from the inmate's wages or other moneys.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.433 (1) (h) of the statutes is amended to read:

2 20.433 (1) (h) *Grants to organizations; program revenues*. All moneys received
3 under s. 69.22 (1m), less the amounts appropriated under par. (g), and all moneys
4 credited to this appropriation account from the child abuse prevention and child
5 mental health surcharge under s. 973.044, to be used for grants to organizations
6 under s. 48.982 (4), (6), and (7).

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

 ****NOTE: This is reconciled s. 20.433 (1) (h). This SECTION has been affected by drafts with the following LRB numbers: LRB-1417 and LRB-1625.

7 **SECTION 2.** 20.435 (3) (gb) of the statutes is created to read:

8 20.435 (3) (gb) *Child abuse prevention and child mental health*. All moneys
9 received from the child abuse prevention and child mental health surcharge under
10 s. 973.044 to be used for grants as described under s. 46.481 (2m).

 ****NOTE: LRB-0349/5 creates s. 46.481 (2m).

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

11 **SECTION 3.** 46.07 of the statutes is amended to read:

12 **46.07 Property of patients or residents.** All money including wages and
13 other property delivered to an officer or employee of any institution for the benefit
14 of a patient or resident shall ~~forthwith~~ be delivered to the steward, who shall enter
15 the ~~same~~ money upon the steward's books to the credit of the patient or resident. The
16 property shall be used only under the direction and with the approval of the
17 superintendent and for the crime victim and witness assistance surcharge under s.
18 973.045 (4), the delinquency victim and witness assistance surcharge under s. 938.34
19 (8d) (c), the child abuse prevention and child mental health surcharge under s.
20 973.044 (4), the deoxyribonucleic acid analysis surcharge under s. 973.046 or the

1 benefit of the patient or resident. If the money remains uncalled for for one year after
2 the patient's or resident's death or departure from the institution, the
3 superintendent shall deposit the same money in the general fund. If any patient or
4 resident leaves property, other than money, uncalled for at an institution for one year,
5 the superintendent shall sell the property, and the proceeds shall be deposited in the
6 general fund. If any person satisfies the department, within 5 years after the deposit,
7 of his or her right to the deposit, the department shall direct the department of
8 administration to draw its warrant in favor of the claimant and it shall charge the
9 same to the appropriation made by s. 20.913 (3) (c).

10 **SECTION 4.** 301.32 (1) of the statutes is amended to read:

11 **301.32 (1) PROPERTY DELIVERED TO WARDEN OR SUPERINTENDENT; CREDIT AND DEBIT.**

12 All money and other property delivered to an employee of any state correctional
13 institution for the benefit of a prisoner or resident shall be delivered to the warden
14 or superintendent, who shall enter the property upon his or her accounts to the credit
15 of the prisoner or resident. The property may be used only under the direction and
16 with the approval of the superintendent or warden and for the crime victim and
17 witness assistance surcharge under s. 973.045 (4), the child abuse prevention and
18 child mental health surcharge under s. 973.044 (4), the delinquency victim and
19 witness assistance surcharge under s. 938.34 (8d) (c), the deoxyribonucleic acid
20 analysis surcharge under s. 973.046 or the benefit of the prisoner or resident. If the
21 money remains uncalled for for one year after the prisoner's or resident's death or
22 departure from the state correctional institution, the superintendent shall deposit
23 it in the general fund. If any prisoner or resident leaves property, other than money,
24 uncalled for at a state correctional institution for one year, the superintendent shall
25 sell the property and deposit the proceeds in the general fund, donate the property

1 to a public agency or private, nonprofit organization or destroy the property. If any
2 person satisfies the department, within 5 years after the deposit, of his or her right
3 to the deposit, the department shall direct the department of administration to draw
4 its warrant in favor of the claimant and it shall charge the same to the appropriation
5 made by s. 20.913 (3) (bm).

6 **SECTION 5.** 302.12 (2) of the statutes is amended to read:

7 302.12 (2) Money accruing under this section remains under the control of the
8 department, to be used for the crime victim and witness assistance surcharge under
9 s. 973.045 (4), the child abuse prevention and child mental health surcharge under
10 s. 973.044 (4), the deoxyribonucleic acid analysis surcharge under s. 973.046, and the
11 benefit of the inmate or the inmate's family or dependents, under rules promulgated
12 by the department as to time, manner and amount of disbursements.

13 **SECTION 6.** 302.13 of the statutes is amended to read:

14 **302.13 Preservation of property an inmate brings to prison.** The
15 department shall preserve money and effects, except clothes, in the possession of an
16 inmate when admitted to the prison and, subject to the crime victim and witness
17 assistance surcharge under s. 973.045 (4), the child abuse prevention and child
18 mental health surcharge under s. 973.044 (4), and the deoxyribonucleic acid analysis
19 surcharge under s. 973.046, shall restore the money and effects to the inmate when
20 discharged.

21 **SECTION 7.** 303.01 (8) (b) of the statutes is amended to read:

22 303.01 (8) (b) The department shall distribute earnings of an inmate or
23 resident, ~~other than an inmate or resident employed under sub. (2) (em),~~ for the crime
24 victim and witness assistance surcharge under s. 973.045 (4), the child abuse
25 prevention and child mental health surcharge under s. 973.044 (4), for the

1 delinquency victim and witness assistance surcharge under s. 938.34 (8d) (c), for the
2 deoxyribonucleic acid analysis surcharge under s. 973.046 (4) and for compliance
3 with s. 303.06 (2) and may distribute earnings for the support of the inmate's or
4 resident's dependents and for other obligations either acknowledged by the inmate
5 or resident in writing or which have been reduced to judgment that may be satisfied
6 according to law.

****NOTE: This is reconciled s. 303.01 (8) (b). This SECTION has been affected by
drafts with the following LRB numbers: LRB-1417 and LRB-0252.

7 **SECTION 8.** 303.065 (5) (bo) of the statutes is created to read:

8 303.065 (5) (bo) Payment of the child abuse prevention and child mental health
9 surcharge under s. 973.044 (4).

10 **SECTION 9.** 814.75 (5m) of the statutes is created to read:

11 814.75 (5m) The child abuse prevention and child mental health surcharge
12 under s. 973.044.

13 **SECTION 10.** 814.76 (4m) of the statutes is created to read:

14 814.76 (4m) The child abuse prevention and child mental health surcharge
15 under s. 973.044.

16 **SECTION 11.** 973.044 of the statutes is created to read:

17 **973.044 Child abuse prevention and child mental health surcharge. (1)**

18 If a court imposes a sentence or places a person on probation, the court shall impose
19 a child abuse prevention and child mental health surcharge of \$20 for each
20 misdemeanor offense or count and for each felony offense or count.

21 **(2)** After the clerk determines the amount due, the clerk of court shall collect
22 and transmit the amount to the county treasurer under s. 59.40 (2) (m). The county

1 treasurer shall then make payment to the secretary of administration under s. 59.25
2 (3) (f) 2.

3 (3) The clerk shall record the child abuse prevention and child mental health
4 surcharge. For each misdemeanor offense or count and for each felony offense or
5 count, the secretary of administration shall credit \$6 to the appropriation account
6 under s. 20.433 (1) (h) and shall credit \$14 to the appropriation account under s.
7 20.435 (3) (gb).

8 (4) If an inmate in a state prison or a person sentenced to a state prison has
9 not paid the child abuse prevention and child mental health surcharge under this
10 section, the department shall assess and collect the amount owed from the inmate's
11 wages or other moneys. Any amount collected shall be transmitted to the secretary
12 of administration.

13 **SECTION 12.** 973.05 (2m) of the statutes is amended to read:

14 973.05 (2m) Payments under this section shall be applied first to payment of
15 the penalty surcharge until paid in full, shall then be applied to the payment of the
16 jail surcharge until paid in full, shall then be applied to the payment of part A of the
17 crime victim and witness assistance surcharge until paid in full, shall then be
18 applied to part B of the crime victim and witness assistance surcharge until paid in
19 full, shall then be applied to the child abuse prevention and child mental health
20 surcharge until paid in full, shall then be applied to the crime laboratories and drug
21 law enforcement surcharge until paid in full, shall then be applied to the
22 deoxyribonucleic acid analysis surcharge until paid in full, shall then be applied to
23 the drug abuse program improvement surcharge until paid in full, shall then be
24 applied to payment of the driver improvement surcharge until paid in full, shall then
25 be applied to the truck driver education surcharge if applicable until paid in full,

1 shall then be applied to payment of the domestic abuse surcharge until paid in full,
2 shall then be applied to payment of the consumer protection surcharge until paid in
3 full, shall then be applied to payment of the natural resources surcharge if applicable
4 until paid in full, shall then be applied to payment of the natural resources
5 restitution surcharge until paid in full, shall then be applied to the payment of the
6 environmental surcharge if applicable until paid in full, shall then be applied to the
7 payment of the wild animal protection surcharge if applicable until paid in full, shall
8 then be applied to payment of the weapons surcharge until paid in full, shall then
9 be applied to payment of the uninsured employer surcharge until paid in full, shall
10 then be applied to payment of the enforcement surcharge under s. 253.06 (4) (c), if
11 applicable, until paid in full, and shall then be applied to payment of the fine and the
12 costs and fees imposed under ch. 814.

13 **SECTION 9321. Initial applicability; health and family services.**

14 (1) CHILD ABUSE PREVENTION AND CHILD MENTAL HEALTH SURCHARGE. The
15 treatment of section 973.044 (1) of the statutes first applies to sentences or probation
16 imposed on the effective date of this subsection.

17 (END)